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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,963	02/27/2002	Andrew I. Hickson	GB920010047US1	5361

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EXAMINER

NGUYEN, VAN H

ART UNIT PAPER NUMBER

2194

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,963

Applicant(s)

HICKSON ET AL.

Examiner

VAN H. NGUYEN

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/27/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-27 are presented for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The Applicants' Information Disclosure Statement, filed February 27, 2002, has been received, entered into the record, and considered. See attached form PTG 1449.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 and 10-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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As to claims 1 and 10, the term “the log” (claim 1, line 6 and claim 10, line 8) lacks antecedent basis. Claims 1 and 10 have no “a log” term that defines or supports the given reference.

Dependent claims 2-5 and 11-15 are rejected for fully incorporating the deficiencies of their base claim.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The language of claims 1-9 raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a useful, concrete, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

As to claims 1-9, the claims read on a mental process or the manipulation of an abstract idea. The claim limitations are not explicitly directed toward steps being implemented on a computer, computer readable medium, or other statutory device. As such, they could be carried out mentally in conjunction with pen/pencil and paper. The claimed steps do not define a machine or computer implemented process (see MPEP 2106). Therefore, the claimed invention is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 7, 8, 16, 17, 25, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by the **Admitted Prior Art (APA)**.

As to claim 7, APA teaches the invention as claimed including a method for detecting the re-use of message data comprising the steps:

receiving a request from an application to put a message, comprising message data, to a queue (page 1, lines 20-30); and
detecting, based on an indicator included with the request, that the message data was previously put to a message queue or got from a message queue by the application (page 2, lines 26-30).

As to claim 8, APA teaches the indicator is a value which indicates that the message data was involved in the immediately preceding request from the application (page 2, lines 26-30).

As to claims 16 and 17, note the rejection of claims 7 and 8 above. Claims 16 and 17 are the same as claims 7 and 8, except claims 16 and 17 are computer program product claims and claims 7 and 8 are method claims.

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As to claims 25 and 26, note the rejection of claims 7 and 8 above. Claims 25 and 25 are the same as claims 7 and 8, except claims 25 and 26 are data processing apparatus claims and claims 7 and 8 are method claims.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 9-15, 18-24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **APA** in view of **Piskiel et al.** (US 5,916,307).

As to claim 1, the rejection of claim 7 above is incorporated herein in full. APA, however, does not specifically teach detecting whether there is a previous occurrence of the message data in the log, and if there is not a previous occurrence writing a log record including the message data, but if there is a previous occurrence writing a log record including a reference for locating the previous occurrence of the message data in the log.

Piskiel teaches detecting whether there is a previous occurrence of the message data in the log, and if there is not a previous occurrence writing a log record including the message data,

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but if there is a previous occurrence writing a log record including a reference for locating the previous occurrence of the message data in the log (col.9, line 42-col.10, line 18).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Piskiel with APA because Piskiel's teachings would have provided the capability for preventing duplicative processing of retry message transmissions received at the receiving node while minimizing the overhead processing required to detect such a retransmission and permitting receipt and queuing of a message within the receiving node with reduced overhead processing as compared to prior solutions utilizing more complex communication protocols and reconciliation procedures

As to claim 2, APA teaches the request to put a message includes an indication that the message data was put to a message queue or got from a message queue in a previous request from the application (page 2, lines 26-30).

As to claim 3, APA teaches the indication is a value which indicates that the message data was involved in the immediately preceding request from the application (page 2, lines 26-30).

As to claim 4, Piskiel teaches the indication is a token which uniquely identifies the message data within the scope of the application (see fig.5 and the associated text).

As to claim 5, APA teaches receiving a request from the application to get a message, comprising message data, from a queue; and storing a reference, separate from the log and associated with the application, for locating a previous occurrence of the message data in the log (page 1, lines 20-30 and page 2, lines 5-30).

As to claim 6, APA teaches if the detecting step detects that there is not a previous occurrence of the message data in the log it further stores a reference, separate from the log and

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associated with the message, for subsequently locating the message data in the log (col.9, lines 42-64).

As to claims 9 and 27, they include the same limitations as claim above; and are similarly rejected under the same rationale.

As to claims 10-15, note the rejection of claims 1-6 above. Claims 10-15 are the same as claims 1-6, except claims 10-15 are computer program product claims and claims 1-6 are method claims.

As to claims 19-24, note the rejection of claims 1-6 above. Claims 19-24 are the same as claims 1-6, except claims 19-24 are computer program product claims and claims 1-6 are method claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Clarke et al. (US 6817018) teaches "Method of transferring messages between computer programs across a network."

Lodrige et al. (US 6691175) teaches "Method and apparatus for managing data propagation between software modules."

Baber et al. (US 6658485) teaches "Dynamic priority-based scheduling in a message queuing system."

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Dievendorff et al. (US 6425017) teaches "Queued method invocations on distributed component applications."

Britton et al. (US 6401136) teaches "Methods, systems and computer program products for synchronization of queue-to-queue communications."

Alferness et al. (US 6247064) teaches "Enqueue instruction in a system architecture for improved message passing and process synchronization."

9. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Meng-Ai An can be reached on (571) 272-3756.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
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vhn


ST. JOHN COURTENAY III
PRIMARY EXAMINER